

SUMMARY MINUTES

ABAG Executive Board Meeting
No. 366, March 19, 2009
MetroCenter Auditorium
101 8th Street, Oakland, CA

1. CALL TO ORDER

President Rose Jacobs Gibson called the meeting to order at approximately 7:05 p.m.
A revised agenda was distributed.

Representatives and Alternates Present

Supervisor Susan Adams
Mayor Len Augustine
Supervisor John Avalos
Councilmember Jane Brunner
Councilmember Kansen Chu
Supervisor David Cortese
Councilmember Carole Dillon-Knutson
Councilmember Dan Furtado
Councilmember Richard Garbarino
Mayor Jack Gingles
Supervisor John Gioia
Mayor Mark Green
Supervisor Carole Groom
Supervisor Scott Haggerty
Supervisor Rose Jacobs Gibson
Mayor Beverly Johnson
Councilmember Ash Kalra
Director Nancy Kirshner Rodriguez
Supervisor Barbara Kondylis
Supervisor Mark Luce
Supervisor Ross Mirkarimi
Mayor Julie Pierce
Councilmember Joe Pirzynski
Councilmember Nancy Pyle
Vice Mayor Jean Quan
Mayor A. Sepi Richardson
Supervisor Gail Steele
Mayor Pamela Torliatt
Supervisor Gayle B. Uilkema
Councilmember Joanne Ward
Supervisor Ken Yeager

Representatives Absent

Supervisor Mike Kerns
Education Advisor Hydra Mendoza
Councilmember Nancy Nadel
Mayor Gavin Newsom
Terry Young

Jurisdiction

County of Marin
City of Vacaville
County of San Francisco
City of Oakland
City of San Jose
County of Santa Clara
City of Novato
City of Campbell
City of South San Francisco
City of Calistoga
County of Contra Costa
City of Union City
County of San Mateo
County of Alameda
County of San Mateo
City of Alameda
City of San Jose
City of San Francisco
County of Solano
County of Napa
County of San Francisco
City of Clayton
Town of Los Gatos
City of San Jose
City of Oakland
City of Brisbane
County of Alameda
City of Petaluma
County of Contra Costa
City of Hercules
County of Santa Clara

Jurisdiction

County of Sonoma
County of San Francisco
City of Oakland
City of San Francisco
RWQCB

2. PUBLIC COMMENT

There were no public comments.

3. ANNOUNCEMENTS

President Jacobs Gibson welcomed Joanne Ward, Councilmember, City of Hercules, and Julie Pierce, Mayor, City of Clayton, representing cities in Contra Costa County; John Avalos, Supervisor, City and County of San Francisco; Carole Groom, Supervisor, County of San Mateo; and Nancy Pyle, Councilmember, City of San Jose, alternate to Councilmember Sam Liccardo.

Mark Green, Mayor, City of Union City, recognized those Board members who participated in the Environmentally Preferable Purchasing workshop on March 18, including Mark Luce, Supervisor, County of Napa; Jean Quan, Councilmember, City of Oakland; Barbara Kondylis, Supervisor, County of Solano; and Sam Liccardo, Councilmember, City of San Jose, and commended Ceil Scandone, ABAG Senior Regional Planner, and Jennifer Krebs, Senior Regional Planner, San Francisco Estuary Project, for their work on the conference.

Susan Adams, Supervisor, County of Marin, announced that Valerie Brown, Supervisor, County of Sonoma, in-coming President of the National Association of Counties, was invited to President Obama's Task Force on Health Care Reform. President Jacobs Gibson added there will be a Large Urban County Caucus on the health care system.

There were no other announcements.

4. PRESIDENT'S REPORT

President Jacobs Gibson reported on the following:

ABAG's Legislative Reception, co-sponsored by CSAC and MTC with support from Comcast, was held January 28 in Sacramento. Over 27 legislators and their staff were in attendance. She thanked the Board and L&GO members who attended. Legislators were provided with a flash drive containing information about ABAG and its legislative priorities.

The Administrative Committee held its annual meeting and planning session February 26-27 at the Oceana Hotel in Half Moon Bay.

A working group of the Youth Gun Violence Task Force met in February to review proposed ordinances and resolutions that could be adopted by local governments to curb the unrestricted sale of ammunition and weapons. The Task Force is in the process of discussing these ordinances and resolutions with local police and sheriff's departments before convening a larger meeting to obtain greater buy-in on approaches to dealing with weapons and ammunition issues as they affect youth and the greater community.

A total of 18 applications for seven available seats were received for the San Francisco Bay Restoration Authority's Governing Board. A slate of nominees for the Governing Board is on the Consent Calendar. She thanked those who expressed interest in the Authority. Two ABAG Board members who were not nominated are members of the Estuary Project's Implementation Committee which will be serving in an advisory capacity to the Authority.

5. EXECUTIVE DIRECTOR'S REPORT

Executive Director Gardner reported on the following:

The adoption of a State budget for the remainder of FY 2009-10 and FY 2010-11 will lift the freeze imposed on State funded projects and will relieve the cash flow pressure on the Estuary Project and the Bay Trail Project, both of which depend largely upon State grants and contracts. Still at issue is whether or not the State will release funding for the period the freeze was in place. So far, the answer appears to be no. This will result in a reduction of overall funding. Other ABAG programs and projects were not affected by the freeze.

The Metropolitan Transportation Commission (MTC) and ABAG have again been successful in competing for continuing funding for the region's Blueprint Plan, known as FOCUS. The California Department of Transportation (Caltrans) has awarded MTC/ABAG \$640,000 out of a total of \$5 million dollars statewide for the next round of funding from the Federal Highway Administration.

ABAG PLAN recovered over \$380,000 on behalf of Property Program members for reimbursement of past losses and which will likely be used to broaden coverage and reduce premiums for FY 2009-10. Liability Program members have received over \$440,000 in grants so far this fiscal year for risk management programs and services; members will consider increasing grants for next fiscal year to prevent cuts to critical training and risk management programs.

Over the last three years, ABAG Energy Watch has helped identify and implement energy-efficiency projects for 70 local government agencies and special districts throughout the Bay Area. More than 275 energy-efficiency projects are expected to be completed by the end of the first quarter of 2009, saving over 21,000,000 kilowatt-hours in electric power and over 478,000 therms of natural gas. The ABAG Energy Watch Program will conclude this spring 2009, but ABAG members will still be able to access services for energy efficiency through new sub-regional Energy Watch Programs and with the launching of the new "Green Communities" effort.

FOCUS Forum continues its series of monthly meetings with focused discussions and guest speakers that provide opportunities to learn more about specific issues concerning the creation of complete communities near transit in urbanized areas. Upcoming meetings will address "Cities and Schools—Best Practices for Urban Areas" on April 9; "Development with Diversity" on June 25; and Health in Urban Areas" on July 9.

ABAG's Earthquake and Hazards Program is completing a list of potential soft-story multifamily residential buildings in the City of Oakland which was selected as a "pilot" for the inventory process because of its interest in using such a list to develop strategies to encourage retrofitting of these buildings. ABAG's Earthquake and Hazards Outreach Committee, chaired by Oakland City Councilmember Nancy Nadel, is now in the process of looking at the options for soft-story hazard mitigation in Oakland and other high-risk cities. ABAG is assisting the Bay Area Earthquake Alliance in compiling a list of events that are being planned by cities and counties commemorating the Loma Prieta earthquake.

Financings delivered by ABAG and its affiliated entities since the last report include: \$6,200,000 in Bank Secured Variable Rate Demand Revenue Bonds on behalf of **Alameda County** for the Ecole Bilingue de Berkeley to purchase, rehabilitate and

construct school facilities; and, \$60,000,000 in Bank Secured Variable Rate Revenue Bonds on behalf of **San Diego County** to provide permanent capital financing for a new hospital in the Sharp Healthcare System.

Jean Quan, Councilmember, City of Oakland, commented on progress being made regarding the retrofit of soft-story structures and noted that the financing being developed for solar and energy efficiency projects should also be offered for the seismic retrofitting of buildings.

Sepi Richardson, Mayor, City of Brisbane, suggested the need for a resource guide of businesses that can provide services, equipment and supplies to cities and counties following a disaster.

President Jacobs Gibson thanked Executive Director Gardner for his report.

6. CONSENT CALENDAR

President Jacobs Gibson recognized a motion by Barbara Kondylis, Supervisor, County of Solano, and seconded by Mayor Richardson, to approve the consent calendar. The motion passed unanimously.

A. Approval of Executive Board Summary Minutes**

Summary Minutes of Meeting No. 365 held on January 15, 2009.

B. Grant Applications

A list of grant applications was approved for submission to the State Clearinghouse, having been circulated in ABAG's "Intergovernmental Review Newsletter" since the last Executive Board meeting.

C. Appointment to Committees

Approved the following appointments to committees:

Bay Area Council Economic Institute
Supervisor Diane Dillon, County of Napa

Legislation and Governmental Organization Committee
Mayor Pamela Torliatt, City of Petaluma

Finance and Personnel Committee
Mayor Sepi Richardson, City of Brisbane

Regional Planning Committee
Supervisor Susan Bonilla, Contra Costa County (Replaces Supervisor Federal Glover, CCC)
Mayor Susan Gorin, City of Santa Rosa (Replaces Rohnert Park Mayor Jake Mackenzie

San Francisco Bay Restoration Authority
Samuel Schuchat, Executive Officer, California Coastal Conservancy, Chair
Phil Ting, Assessor-Recorder, City and County of San Francisco, West Bay Seat
John Gioia, Supervisor, Contra Costa County, East Bay Seat
Charles McGlashan, Supervisor, Marin County, North Bay Seat
Rosanne Foust, Mayor, Redwood City, South Bay Seat
Dave Cortese, Supervisor, Santa Clara County, Bay Area City/County Seat

John Sutter, Director East Bay Regional Park Dist., Bayside City/Park District Seat

Delta Protection Commission

Mayor Jan Vick, City of Rio Vista (Replaces former Antioch Councilmember Arne Simonson): Member

Supervisor Barbara Kondylis, County of Solano: Alternate

D. Financial Support to Bay Area Council Economic Institute (Formerly Bay Area Economic Forum)

Authorized approval of FY 09-10 ABAG support to the Bay Area Council Economic Institute (formerly known as the Bay Area Economic Institute) in the amount of \$50,000.

E. Approval of Resolutions and Ratification of Applications for State Revolving Funds**

Approved Resolutions Numbers 04-09, 05-09, and 06-09 and ratified applications for State Revolving Funds for CCMP Implementation Projects under the American Recovery and Reinvestment Act of 2009 and authorized to enter into Agreements, if awarded.

F. Authorization to Enter into Sole Source Agreement with Mike McCoy, Co-Director, UC Davis Information Center for the Environment**

Authorized to enter into an agreement for an amount not to exceed \$500,000 for computer software and training for the CalTrans Production, Exchange and Consumption Allocation System (PECAS) model funded from CalTrans grants.

G. Authorization requested to Purchase HP Multi-core Server**

Authorized to purchase, at a price of up to \$25,000, an HP multi-core server required to run PECAS modeling software, which would be purchased under California's Western States Contracting Alliance contract.

H. Authorization to Enter into Contracts for Graphic Design and Production of Projections 2009/FOCUS Publication**

Authorized to enter into contracts with Finger Design for Graphic Design and Production of Projections 2009/FOCUS Publication and for printing services pursuant to solicitation. Design services will not exceed \$40,000 and printing services will not exceed \$25,000.

I. Bylaw Amendment to Provide Flexibility in Scheduling Annual Meeting of General Assembly

Authorized to recommend to the General Assembly an amendment of the Bylaws to provide greater flexibility in setting date of the Annual Business Meeting of the General Assembly.

J. Authorization to Amend Grant Agreement with State Water Resources Control Board (State Water Board) - Suisun Marsh Low DO and MeHg Project and Approval of Resolution No. 08-09**

Authorized Executive Director or designee to amend a grant agreement with the State Water Board on behalf of ABAG/San Francisco Estuary Project (SFEP) and its partners for this project to test and demonstrate solutions to the severely low dissolved oxygen (DO) conditions and the methyl-mercury production that is facilitated by low DO in Suisun Marsh. The agreement formalized in Resolution No. 08-09 will not exceed \$795,000. ABAG will provide a \$5,000 in-kind services match.

The original end date was March 1, 2009, but due to the State Bond freeze a one year extension is needed to complete the project. New end date would be May 1, 2010.

K. Authorization to Apply for US Environmental Protection Agency Grant for CCMP Implementation Project under Region 9 Wetland Program Development Grants

Authorized ABAG/SFEP to submit a proposal for \$100,000 dollars in grant funding from US EPA's Region 9 Wetland Program Development Grant Funds, and, if awarded, to enter into an agreement with US EPA. The grant period is 1-3 years ABAG/SFEP would contribute match funds of \$33,333.

7. PROJECTIONS 2009 FORECAST**

Paul Fassinger, Research Director, presented the Projections 2009 Forecast and requested Board approval of Resolution No. 03-09 adopting Projections 2009. He gave an overview of the process undertaken, including the targets used, the alternative scenarios reviewed and tested, developing the draft Projections, local government comments, population and job constraints. He provided a summary of Projections 2009 and listed next steps to be taken.

Members discussed the uses for Projections data, the accuracy of the data, staff's work with the City of San Jose in response to the jurisdiction's questions, Projections' relation to the Regional Housing Needs Allocation and the Census data.

Mr. Michael Quigley, California Alliance for Jobs, commented on the transportation and land use planning and the Regional Transportation Plan with regards to future job growth, limits on green field development, and compliance with SB 375.

Mr. Bob Glover, Home Builders Association of Northern California, commented on the information provided by HBANC during the Projections process regarding performance targets, greenfield development, and CEQA requirements. He referenced a letter from HBANC's Senior Vice President and General Counsel which stated HBANC's opposition to the approval of Projections 2009.

Kenneth Moy, ABAG Legal Counsel, responded to the comments stating that the California Code exempts planning documents from CEQA and that the exemption applies to Projections 2009.

President Jacobs Gibson recognized a motion by Supervisor Kondylis, and seconded by Mayor Richardson, to approve Resolution No. 03-09 adopting Projections 2009. The ayes were 30; the nays were one. The motion passed.

President Jacobs Gibson thanked Mr. Fassinger for his presentation. Mr. Fassinger recognized the contributions to Projections 2009 by the ABAG Research staff members Christy Riviere, Hing Wong, Jason Munkres; Ted Droettboom, Regional Planning Program Director, Joint Policy Committee; ABAG Planning staff; and staff from member jurisdictions.

8. BAY AREA POLICIES FOR IMPLEMENTATION OF SB 375**

Ted Droettboom, Regional Planning Program Director, Joint Policy Committee, presented the draft policies to guide the implementation of SB 375. He described the role of the Joint Policy Committee in relation to the implementation of SB 375 and the draft policies. He discussed the Regional Target Advisory Committee; the California Air Resources Board targets; the interaction and iteration between planning and

modeling; the Sustainable Community Strategy and its relation to RHNA and housing elements, the Regional Transportation Plan and investments; CEQA assistance; the Alternate Planning Strategy; and the FOCUS growth initiative. He reviewed implementation of SB 375 in terms of its challenge to the status quo and business as usual; integration of ABAG and MTC, RTP and RHNA, modeling and planning, other initiatives, and the Bay Area and surrounding regions; inclusion of all those required to make implementation work; momentum building on current efforts; and impact on actual emissions.

Members discussed inclusion related to integration of mobility and surrounding regions; effects of power plant emissions; funding; Community Choice Aggregation; the need to have cities and counties review and discuss proposed policies; the history and role of the Joint Policy Committee; needed changes in CEQA; a need for a high-density housing study; monitoring different regional approaches; reaffirmation of position on SB 375 by local government; impacts on land use authority; and funding for implementation planning.

President Jacobs Gibson thanked Mr. Droettboom for his presentation.

9. SOLAR ENERGY EFFICIENCY PROGRAM**

Ezra Rapport, ABAG Deputy Executive Director, reported on developments made for a regional solar and energy efficiency financing program. He reviewed AB 32 compliance; barriers to energy efficiency and solar investments; the concept of Solar and Energy Efficiency (SEE) Districts; consumer benefits; benefits of regional administration; and next steps in program development.

President Jacobs Gibson introduced Tom Guarino and David Rubin, Pacific, Gas and Electric, Company.

Members discussed the liability to local jurisdictions; the property tax process; the Energy Efficiency Block Grant program; the capacity of smaller jurisdictions; Community Choice Aggregation; the program developed by the City of Berkeley; raising ABAG's visibility; maximum efficiency requirement; credits for providing energy to the grid; developing a similar financing program for earthquake retrofits; energy independence, dividend distribution, and vendor source; small energy producers.

President Jacobs Gibson recognized a motion by John Gioia, Supervisor, County of Contra Costa, and seconded by Supervisor Adams, to direct staff to continue developing the solar energy efficiency program. The motion passed unanimously.

President Jacobs Gibson thanked Mr. Rapport for his presentation.

10. ADMINISTRATIVE COMMITTEE REPORT**

Committee Chair, President Rose Jacobs Gibson reported on the Administrative Retreat held February 26 and 27 which included an update on the implementation of the Strategic Plan; the issue of long-term funding for ABAG and legislation by Senator Mark DeSaulnier that would potentially bring \$6-\$12 million per year as the regional share of dollars that would go to COGs/MPOs to implement the Blueprints being developed regionally throughout the state; revising the pass-through formula that has been in existence between ABAG and MTC for the last 20 or so years.

Further, committee members discussed ways to deal with potential budget shortfalls and funding gaps for the San Francisco Bay Trail Project and the San Francisco

Estuary Project, and to market the Trail to secure additional funding to complete its last portions. Staff will provide a gap analysis that identifies the portions of the trail that remain to be completed.

Staff gave an overview of ABAG's role in SB 375 and committee members discussed the need for ABAG to work closely with each community and other partners such as local CMAs in implementing this legislation, and to work with MTC to develop a joint work plan to implement SB 375.

Staff reported on progress with the FOCUS initiative; Projections; work that is underway on a solar initiative; meeting with water agencies; PCA funding and a prioritization framework; hard mitigation strategies and goals; communicating ABAG's work to members and the public; and maximizing the use of editorial boards and other electronic media. Additional detailed listing of all of the items discussed at the retreat can be made available.

11. LEGISLATION & GOVERNMENTAL ORGANIZATION COMMITTEE REPORT**

President Jacobs Gibson recognized Committee Chair Carole Dillon Knutsen, Councilmember, City of Novato, who reported on committee activities, including; bills for consideration in the 2009 legislative session; an update on the formation of the San Francisco Bay Restoration Authority; an update on SB 375 and land use and transportation planning; a report on the General Assembly on April 23; a report on the Legislative Reception on January 28; and, a request to add for consideration at the next meeting AB 155 (Mendoza), Local Government, Bankruptcy, SB 406 (DeSaulnier), Land Use and Environmental Quality, SB 7 (Wiggins), Renewable Energy, Net Metering, and Delta Compact. The report on water planning priorities and related legislation was deferred to the next meeting.

She reported on recommendations on bills for consideration in the 2009 Legislative Session, including AB 338 (Ma), Transit Village Developments, Infrastructure Financing (watch); AB 280 (Blakeslee/Ma), California Earthquake Authority, Retrofit Programs, Grants (support in concept); AB 782 (Jeffries), Regional Transportation Plans, Sustainable Communities Strategies (watch); AB 814 (Krekorian), Timely Firearm Relinquishment Process (no position—need clarification); AB 1084 (Adams), Local Planning, Development Projects, Fees (support); SB 27 (Hancock), Local Agencies, Sales and Use Tax, Reallocation (support); SB 279 (Hancock), Local Government Community Facility District (support); SB 457 (Wolk), Creation of Delta Stewardship (watch); SB 458 (Wolk), Establish the Sacramento-San Joaquin Delta Conservancy (watch); SB 488 (Pavley), Energy, Energy Efficiency Financing (support); SB 808 (Wolk), San Francisco Bay/Sacramento-San Joaquin Delta Estuary, Strategic Work Plan (watch); AB 962 (DeLeon), Ammunition (support with amendments).

President Jacobs Gibson recognized a motion by Chair Knutsen, and seconded by Supervisor Kondylis to approve the committee report. The motion passed unanimously.

President Jacobs Gibson thanked Vice Chair Dillon Knutsen for her report.

12. FINANCE & PERSONNEL COMMITTEE REPORT**

President Jacobs Gibson recognized Committee Chair Scott Haggerty, Supervisor, County of Alameda, who reported on committee activities, including reelection of Supervisor Haggerty as chair and election of Dave Cortese, Supervisor, County of Santa Clara, as vice-chair; review of the January and February 2009 financial reports;

authorization to increase line of credit with collateralization; awarding of contract for independent auditor, Maze and Associates; support to the Bay Area Council Economic Institute; recommended bylaw amendment regarding scheduling of the annual meeting of the General Assembly; recommended authorization to purchase computer hardware and contract for software and consultant services to implement PECAS Land Use Modeling System; and process for performance evaluation of Legal Counsel.

President Jacobs Gibson recognized a motion by Chair Haggerty, and seconded by Supervisor Cortese, to approve the committee report. The motion passed unanimously.

Members discussed funding for the Bay Area Council Economic Institute.

President Jacobs Gibson thanked Chair Haggerty for his report.

13. CLOSED SESSION

The Board entered closed session at 9:50 p.m. Executive Director Gardner requested that Deputy Executive Director Rapoport, Pat Jones, Assistant Executive Director, and Legal Counsel Moy remain while the Board was in closed session.

The Board returned to open session at 10:00 p.m.

Chair Haggerty reported that there was no direction issued with regards to labor negotiations with SEIU Local 1021. He also reported that a Public Employee Performance Evaluation was conducted for the Executive Director.

Members noted Executive Director Gardner's stellar performance and quality service.

President Jacobs Gibson recognized a motion by Chair Haggerty, and seconded by Mayor Richardson, to approve the inclusion of the car allowance in the Executive Director's salary in lieu of a salary increase. The motion passed unanimously.

14. ADJOURNMENT

Meeting adjourned at approximately 10:07 p.m.

Henry L. Gardner, Secretary-Treasurer

** Indicates attachments.

*** For information on the L&GO Committee, contact Patricia Jones at (510) 464 7933 or PatJ@abag.ca.gov, or Kathleen Cha at (510) 464 7922 or KathleenC@abag.ca.gov.

All ABAG Executive Board meetings are recorded. To arrange for review of these tapes, please contact Fred Castro, Clerk of the Board, at (510) 464-7913 or FredC@abag.ca.gov.